

September 10, 2008

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TOWN OF NEW WINDSOR

PLANNING BOARD

SEPTEMBER 10, 2008

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN
NEIL SCHLESINGER
HENRY VAN LEEUWEN
HOWARD BROWN
DANIEL GALLAGHER

ALTERNATE: HENRY SCHEIBLE

ALSO PRESENT: ERIK DENEGA
PLANNING BOARD ENGINEER

MYRA MASON
PLANNING BOARD SECRETARY

DOMINIC CORDISCO, ESQ.
PLANNING BOARD ATTORNEY

ABSENT: MICHAEL BABCOCK
BUILDING INSPECTOR

REGULAR_MEETING

MR. ARGENIO: I'd like to call to order the September 10, 2008 meeting of the New Windsor Planning Board. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

APPROVAL_OF_MINUTES_DATED_JUNE_11,_2008_&_JUNE_25,_2008

MR. ARGENIO: We're going to get right to approval of the minutes. I will accept a motion that we approve the minutes as written dated June 11, 2008 and June 25, 2008.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded we accept those minutes I just read into the minutes as written.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

PUBLIC_HEARINGS:

MALONEY,_PETER_(07-23)

MR. ARGENIO: First on tonight's agenda is Maloney, Peter, Sho Gee Court subdivision, it's a public hearing. This application proposes the subdivision of the 3.1 plus acre parcel into two single family residential lots. The plan was previously reviewed at the 12 September, 2007 and 25 June, 2008 planning board meetings. This application is before the board tonight for a public hearing. Is somebody here to represent this? Sir, I don't know if you're familiar with the way we do this but come on up, I'd like you to do is address the board, first tell us the changes you've made since last we've seen you, highlight them for us, turn the easel as well and at that point in time we will as a board we will ask whatever questions we see fit then we'll open it up to the public and we'll receive comment from the public. Can I have your name and the firm you're with for the benefit of the stenographer?

MR. QUEENAN: John Queenan from Lanc & Tully Engineering.

MR. ARGENIO: Tell us where you've come from here.

MR. QUEENAN: We were before you in June. There were very few engineering comments, I think they have all been addressed. What had come up was a letter from adjacent property owners regarding the buffer location of the proposed dwelling as shown on the subdivision map. At that meeting, the board obviously decided to have a public hearing in order to hear those comments and we're here tonight hopefully to hear them and resolve whatever issues that they may have.

MR. VAN LEEUWEN: Sir, my suggestion was and I see you moved the house.

MR. QUEENAN: Yes, we, actually, this is the original plan and I have a secondary plan that we did move the house.

MR. ARGENIO: You did move the house?

MR. QUEENAN: Yes.

MR. VAN LEEUWEN: Sitting back there why don't you come up and look at the maps?

MR. ARGENIO: Folks, just a second please.

MR. VAN LEEUWEN: I'm sorry.

MR. ARGENIO: Do you guys have anything? This is pretty simple, I'll refresh your memory. This whole thing was there was a complaint on behalf of the neighbor and we wanted to reserve that neighbor's right to be heard here in this forum so that's pretty much the reason why we had this meeting tonight.

MR. SCHLESINGER: This plan we have in front of us we have accurate or has it changed?

MR. QUEENAN: No, I have not submitted new plans, this is the original plan from June.

MR. SCHLESINGER: Without the house being moved?

MR. QUEENAN: Correct, we didn't change the plan because we wanted to hear exactly what the concern was and how we would work that out. We do have an alternate plan here that hopefully addresses that.

MR. ARGENIO: Which is the new location of the house?

MR. QUEENAN: Right.

MR. ARGENIO: Do you have a notice on this, Myra please? On the 25th of August, Myra sent out 10 addressed envelopes containing a notice of public hearing pertinent to this application. She got the information from a list provided to her by the assessor's office. At this point in time if there's anybody in the audience that would like to speak for or against or comment on the application please raise your hand and be recognized. Sir, please come forward, give Franny your name and your address and we certainly would like to hear what you have to say tonight. This meeting is for you, you know how they say this Bud's for you? This meeting's for you.

MR. MOORE: I'm Brian Moore, 1797 Little Britain Road, Rock Tavern, New York.

MR. ARGENIO: Tell us what your concerns are, sir, and we can see if we can arrive at some middle ground here that works for everybody.

MR. MOORE: Okay, the whole driveway on the contour lines the property the landing pad for the house that's proposed is about 10 feet above my house so every time that these people when they build the house when they drive into the yard I'm going to have lights beaming in my bedroom windows, my dining room, living room and kitchen windows, privacy issue here.

MR. VAN LEEUWEN: Show us where your house is.

MR. MOORE: My house is here but this is reflected as it's the old school house on Little Britain Road that was built in 1867.

MR. ARGENIO: Is that your home?

MR. MOORE: It is and I built an extension, if you just give me one second I'll get the drawing.

MR. SCHLESINGER: Why don't we refer to the plan that they're going to use, that may clear up the comments being made now if you move the house and if he's not going to have a problem then let's hit the nail on the head.

MR. BROWN: Right.

MR. QUEENAN: That's what I wasn't sure exactly what his concern was, is it elevation, is it proximity?

MR. SCHLESINGER: Well, what are we talking about, which house?

MR. ARGENIO: I'm going to save a lot of work for everybody, sir, follow me for a second please. The last time this gentleman was here for this application Mr. Van Leeuwen recommended that they consider relocating the house on the lot at a different location, hopefully, that will allay the problems that you may have with the house as it was. They tell us they did that, this is not that plan, Neil, you're correct, sir, let's go to the videotape as they say.

MR. QUEENAN: This is what we came up with.

MR. ARGENIO: Mr. Moore, is that more to your liking? It doesn't look like the headlights are going to shine into your house now.

MR. MOORE: But when they drive in this way here.

MR. ARGENIO: This distance from here to your home is probably 300 feet through woods it looks like.

MR. QUEENAN: Just going to say that this vegetation here will be retained.

MR. ARGENIO: Mr. Moore, let me share this thought with you, we as a planning board, understand this, we do not

have the right to tell the applicant they cannot build on their lot, we can't do that. But if they do it in accordance with the law, we can make suggestions to try to make sure that the development that he's proposing is as user friendly for the neighbors around them as possible. That's our goal, Mr. Moore, tonight.

MR. MOORE: Absolutely but then if he was to bring the driveway and come in here to this side and take the proposed four bedroom dwelling and spin it this way so that, flip it so that the gable end of his house would face the gable end of mine and then back off and run off this way there would be more of a buffer zone.

MR. QUEENAN: That's where our septic field is and that's--

MR. MOORE: But the septic that's on the house that's here is 200 feet from the septic system so you could put the septic system here.

MR. QUEENAN: This was the only, we checked the lots, that's the only location we got acceptable location for.

MR. ARGENIO: Mr. Moore--

MR. MOORE: I think that you could move, I spoke to an engineer architect and he said you could move the septic system over here and the well gets moved back over here.

MR. QUEENAN: We could do that but we didn't have any acceptable results on the rest of the lot.

MR. ARGENIO: Doesn't have a good perc, typically in this end of the town we have a problem.

MR. QUEENAN: That's why we kept the septic on the highest portion of the lot which is right here.

MR. ARGENIO: Let me point this out to you as well that septic being at the highest point of the lot far away from you is good for you, make no mistake about that.

MR. MOORE: I understand. I also understand the location of the well here and well here but the problem again is when you have a nighttime, when you have cars coming and there's no buffer, in the wintertime there will be no, I can see Mr. Maloney's house from here in the wintertime, I can see all the way back to Mr. Maloney's house.

MR. QUEENAN: It's 250 feet.

MR. ARGENIO: It's 250 feet. What's the, Dominic or Erik, and I know Erik you don't do these meetings every week, but can one of you guys spit out for me about what, Mr. Moore, this is important, what's the setback requirements, the building line setback requirement, 50 feet?

MR. DENEGA: Forty yard setback.

MR. ARGENIO: Forty feet.

MR. DENEGA: Forty feet side yard setback.

MR. ARGENIO: By rights, he can place the house within 40 feet of that property line and this is still a lawful subdivision and development of this piece of property. He has the right to do that.

MR. MOORE: What I'm saying is it won't affect the location of the septic if he takes the house that's now going to be in this location and flip it this way.

MR. QUEENAN: I have to be 20 feet from this. If I rotate the house I'm hitting the setback line here and hitting the setback line here.

MR. ARGENIO: I don't want to reduce this to--

MR. MOORE: It's Mr. Maloney's property that he's selling here so Mr. Maloney's--

MRS. MOORE: The cousin on the other side wants privacy.

MR. MOORE: My point is that if he wants to get a variance from himself I'm sure he could grant himself a variance to be within 20 to flip the house.

MR. ARGENIO: He can't grant himself a variance, no, he cannot do that.

MR. MOORE: But the 40 feet that's here and 40 feet that's here if the house was flipped over here he's still within the 40 feet.

MR. QUEENAN: Sir, I have to be 20 feet from the, so that pushes me 20 feet farther down.

MR. MOORE: But why can't this be moved 20 feet forward?

MR. QUEENAN: Because this is the location that we had the soil tests.

MR. MOORE: Can you go back and do a soil test to see if 20 feet forward will work?

MR. QUEENAN: You want our application to go back and do more soil testing?

MR. ARGENIO: Stop. Ma'am, you were going to make a point?

MRS. MOORE: No, I wasn't, he's doing fine.

MR. ARGENIO: I think everybody is getting the gist of where we are here. I'm not going to throw my 2 cents in, I have a very definite opinion of this thing. Neil, you have any thoughts?

MR. SCHLESINGER: No, I think we'll save it for the right time.

MR. ARGENIO: That's a good thought. Danny, anything further?

MR. GALLAGHER: Not at this time.

MR. ARGENIO: Do you want to hold it until we close the public hearing?

MR. VAN LEEUWEN: We can hold it until we close.

MRS. MOORE: Can I say something? We were not here the day that he applied for the variance, I just want to show you some pictures, he said that it was a dumping ground, by no means is it a dumping ground. His kids play paint ball, this is what they do.

MR. ARGENIO: We have no issue with your property.

MRS. MOORE: It's not mine, it's his.

MR. ARGENIO: Nobody here thinks it's a dumping ground.

MRS. MOORE: No, he said he wanted to build because people were coming up and dumping on his property but that's not the case.

MR. ARGENIO: That has happened on different lots around town, it has or hasn't happened here, but it's got to go.

MRS. MOORE: I feel if I was there I could have said excuse me, I don't believe that's the issue.

MR. ARGENIO: That dumping that has no bearing on what we're deciding here tonight.

MRS. MOORE: Because it was in the minutes of the meeting.

MR. VAN LEEUWEN: I've been to the site, I've looked at the site, he's doing a lot of remodeling there, he's doing a lot of work there, okay, and it's not a dumping ground by any means.

MRS. MOORE: Really the quality of our life is going to change with that.

MR. MOORE: We preserved the 1867 school house.

MR. ARGENIO: Mr. Moore, I think it's fantastic.

MR. MOORE: It's just that when we were building the house we specifically dealt with the area and angling the house and now just not to belabor the point but that was to preserve the privacy for the other person in this subdivision, we're not part of the subdivision, but the other person that was in the subdivision and also the people that are over here so that everybody would have some sort of privacy. Now when I look, come out of my deck at the back of my house I want to be looking at something that because of the elevation that he's got 10 feet, he's entitled to build a two story, it can be up to 35 feet, I'm going to be looking at something that's 45 feet high.

MR. ARGENIO: Sir, what's the ground elevation approximately from Mr. Maloney's house to your house approximately without having to get into a lot of looking at contours? Erik, do you have plans over there?

MR. MOORE: It's 546 to 558.

MR. QUEENAN: We have our garage at 553 and looks like Mr. Moore's house will be about 543.

MR. ARGENIO: About 10 feet, could be a little more.

MR. MOORE: If he moves the house back then the lines will go up.

MR. ARGENIO: Right, point well made. Okay, do you, Mr. Moore, do you have any anything else you'd like to talk to us about this?

MR. MOORE: No.

MR. ARGENIO: I don't want to see that, sir, I don't want to see that. This is the second one? I'm sorry, I got confused, I'm sorry.

MR. QUEENAN: This is the new one.

MR. ARGENIO: You're going to have to submit plans and such, we're reviewing this location. Mr. Moore, do you have anything else to offer us?

MR. MOORE: Is there any way I can get a copy of this and go back and see if it is in fact feasible to move? I understand that you have done your tests here but is it feasible to move the house over to here?

MR. ARGENIO: Mr. Moore, that's the third time you said it, it's the third time you said that. This board will discuss that possibility when we're done with the public hearing. We certainly got your message to move, turn the house and move it. Do you have anything else you'd like to offer additionally?

MR. MOORE: Not at this time.

MR. ARGENIO: Are you sure?

MR. MOORE: Thank you very much.

MR. ARGENIO: You're very polite and your points that you brought up are very good points and they are very well presented, quite frankly, as well, ma'am, I'm not, I don't want to seem patronizing but I certainly do mean it. Mr. Moore, as far as and again once we close the public hearing it's closed, we're not going to talk about this anymore. Do you have any thoughts? We see the problem is the driveway here. The question I was going to ask is if we were to require the applicant to do some type of screening of some sort is there something possibly a fence or some bushes or something that would work for you? But I'm trying to answer my own question in that the screening is irrelevant because he's 13 foot higher than you so you don't need that screening, I'm answering my own question.

MR. MOORE: Even if you get the--

MR. VAN LEEUWEN: Twenty years before it gets there.

MR. ARGENIO: Do you have anything else?

MR. MOORE: I mean--

MR. ARGENIO: You have been very concise.

MR. MOORE: If I was given the option on hindsight being 20/20 I would seriously consider purchasing the site to build the house because I did work with the architects and we built our dream home that's ours, it's a very unique house.

MR. ARGENIO: You can still purchase it probably.

MR. MOORE: If it's agreed tonight that that's the location and I'm stuck, if we can actually figure it out as the process moves along and I can do something

like that then I could work, that's what I'm trying to get to if you could.

MR. ARGENIO: Ma'am, do you have anything else?

MRS. MOORE: No. Thank you very much for hearing us, we really appreciate it. Thank you so much.

MR. ARGENIO: Anybody else have a commentary on this?

MR. VAN LEEUWEN: Make a motion to close the public hearing.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board close the public hearing on the Maloney Sho Gee Court 2 lot subdivision. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: You folks can sit down. Thank you very much. Public hearing is closed. Okay, I want to throw a couple thoughts, I certainly want to hear from everybody on this. Certainly we cannot have a neighbor dictate what another neighbor does, to some extent they can but there's a subjective line there that this board has to draw. I didn't know, Mr. Maloney till tonight, I don't know the applicant either but Mr. Van Leeuwen wisely had insight that there was an issue with the house being so close to Mr. Maloney, Mr. Moore's property, and the Maloney folks, the Maloney application, architects and engineers they moved the

house so I'm going to go around, I'll start with this side of the room to my right. Neil and Howard, what are your thoughts?

MR. SCHLESINGER: Well, to Mr. and Mrs. Moore I could relate to your thoughts very, very well. My house is 150 years old and when I moved up here 25 years ago maybe there was 10 houses on my block, now there's probably 40 or 50.

MR. ARGENIO: And I went and moved in.

MR. SCHLESINGER: Yeah, killed the neighborhood. I used to sit on my front porch and look at the mountains. I sit on the front porch now and I look at another house and unfortunately that's the nature of the animal. As far as the board's concerned, there's certain things that we can help you with and there's certain things that we can't. And I think that the applicant made somewhat of a concerted effort after our previous meeting to move the house. Hopefully, that has cured some of your discontents or whatever it may be and I'm sure by or hopefully maybe by the end of the meeting if there's something else we can come up with we're going to try to do as best as we can but we can't do the impossible, we can't change growth.

MR. ARGENIO: Howard?

MR. BROWN: I agree with what Neil just said.

MR. ARGENIO: He's very eloquent tonight, is he not?

MR. BROWN: There was some compromise on the builder's part.

MR. ARGENIO: Danny?

MR. GALLAGHER: Well spoken, Neil.

MR. ARGENIO: Mr. Van Leeuwen, do you have any thoughts?

MR. VAN LEEUWEN: You all know my feelings before, I said it before, I'll say it again. I'd like to see the house twisted a little bit.

MR. ARGENIO: Here's my final note on this issue for the benefit of the members insomuch as we do not have a final plan that we can approve seems to me this applicant is ready to go over the wire but we don't have a plan to approve because they don't have a final plan. Here's what I'm going to suggest to you. And it's a suggestion. I'm going to suggest that you do compose that final plan and you have a flavor of the board now, I hope you do, and what I think you should try to do in composing that final plan in the interest of trying to do what's right here for all parties involved is if you can move that house a little bit more without re-engineering the entire lot because that's unfair for us to compel you to do that in my opinion. Now I'm one guy, you guys agree with that for the most part? We're not asking you to re-engineer the entire lot. If you can slip the house a little bit further towards Beattie Lane, Butler Lane and towards the other lot sliding down the page if you can do that that would certainly be good and that's your direction.

MR. VAN LEEUWEN: Look where the septic system is, it's here.

MR. ARGENIO: Remember, Henry, that house is not here, that house is now up here, okay, so what I'm asking him to do is to take a look if he can move it a little bit more that would be great. If he can't, well, it is what it is. I don't think it's fair for us to force him to re-engineer the entire lot, that's my thoughts.

MR. VAN LEEUWEN: Well, Mr. Moore didn't suggest that either, he suggested it this way, that's all.

MR. QUEENAN: That's the one with the septic.

MR. ARGENIO: What's this line here?

MR. QUEENAN: Those are the wells, separation wells.

MR. ARGENIO: So he is dancing there, Henry. See what you can do. You have your direction, okay, get your stuff together, it would be great if everybody got along. We'll get you on the next agenda if you can get your act together, get into the workshop. Did I miss anything?

MR. DENEGA: No, just three minor items that Mark mentioned, he can take a copy.

MR. CORDISCO: I would just add because you've closed the public hearing, we would ask the applicant to waive the 62 day default approval because they're going to be supplying a new set of plans.

MR. ARGENIO: Do you agree to that?

MR. QUEENAN: Yes.

MR. ARGENIO: All right, any other clean-up issues? We'll let them roll until next time. Mr. Moore, madam, thank you very much.

REGULAR_ITEMS:

SCREEN_GEMS_SITE_PLAN_(07-31)

MR. ARGENIO: Regular items, Screen Gems site plan located on Route 32. The application proposes two story addition to the existing building on a triangular property. Plan was previously reviewed at the 12 December, 2007 planning board meeting. You guys know where this is? It's right in front of my office on 32 there.

Mr. Anthony Coppola appeared before the board for this proposal.

MR. ARGENIO: Anthony, tell us what you're doing here. Tell us what have you done, what have you changed, where are you going, where have been?

MR. COPPOLA: Okay, thank you, Mr. Chairman. We were here as you stated first last December for the first site plan. Basically, we came with a long list of zoning issues, almost all to do with the existing conditions of this kind of irregular site setback issues, area issues, that type of thing. So basically went to zoning board for the first time in the spring went and received to the zoning board for the second time in June or July, received those all the required variances and went to another workshop session with Mark.

MR. ARGENIO: How many variances was it?

MR. COPPOLA: How many variances, 1, 2, 3, 4.

MR. ARGENIO: What were they?

MR. COPPOLA: Let me go through them, size of the existing lot 40,000 is required, it's 10,800 square foot lot.

MR. ARGENIO: Pre-existing, non-conforming.

MR. COPPOLA: Right, setback issues on three sides, the rear I think is actually encroachment, that's more to do with the existing over here, the rear setback is a function of the height, I think, so we didn't make that.

MR. ARGENIO: I think it's 1 to 1, 12 inches to 12 inches.

MR. COPPOLA: I think that's it. The front yard along Ruscitti we have two front yards so we're, that's actually caused by the addition, the front yard at Route 32 is only 11.7 feet, I mean, it's deceiving there because of course, the edge of pavement is way out here and then DOT put a curb and then the property line is way inside the curb.

MR. ARGENIO: DOT hosed him.

MR. COPPOLA: Yeah, and DOT just put in curbs randomly not having anything to do with the building, right, so we kind of just had to deal with what they had done, it's all in their right-of-way so he's got no choice.

MR. VAN LEEUWEN: DOT own that property where they put the curbing?

MR. COPPOLA: Yeah, because the lot line is way, it's got to be 10 to 15 feet inside the curb line, that's why it's really deceiving. So, yeah, so all the setback issues and that's really it. So again we're proposing two stories, 1,200 square feet basically and expansion of the existing first floor retail area here and then a second floor office upstairs and then there is a minimum of site improvements, we're striping everything, delineating the parking, introducing the handicapped parking, some landscaping, a flag pole and

then some site lighting which we have noted on the second sheet.

MR. ARGENIO: Do you see yourself going to DOT?

MR. COPPOLA: No because we're not doing any work in their right-of-way.

MR. ARGENIO: Don't assume too much. Your building, what's your building going to be made out of? What is it going to look like? Can you give us architectural drawings on that?

MR. VAN LEEUWEN: I hope you're going to dress it up.

MR. COPPOLA: Okay, yes, so we're taking off of the existing building which has got that it's got to be a 4 to 6 foot overhang that truss probably extends out so some of that is being cut off so we have basically just kind of a standard mansard roof, we'll bring that back, we're going to work with most of the existing openings that he had there, we'll do a reverse gabled kind of--

MR. ARGENIO: Putting new windows on the existing building?

MR. COPPOLA: No, we'll work with the existing windows on the existing building. And then the new building we'll get a reverse gable, he wants to do this as a retail area so we're going to do kind of large store front glass down here and the second floor is office so there's going to be some operable windows so that will all be covered with an exterior system.

MR. ARGENIO: Do you have a south elevation?

MR. COPPOLA: No, I don't.

MR. ARGENIO: This area you guys as you know is right in my neighborhood there.

MR. VAN LEEUWEN: And my ex-neighborhood.

MR. ARGENIO: Since Henry left we've been trying to clean the neighborhood up, as in evidenced by the Devitt's building across the street Ari Strause did that, I don't know what the name of his company is, but it's pretty nice, we're trying to get someone to take the other building just to the north of the one Mr. Coppola is representing tonight, would that be the northwest, Henry, would that be right?

MR. GALLAGHER: Across the street.

MR. ARGENIO: Yeah, so the area's cleaning up a bit and that's kind of good to see. I have some things I want to hit here, if anybody has anything I want to start with some of my things if you have anything.

MR. SCHLESINGER: You want to start?

MR. ARGENIO: Yeah, I'm glad to see that Anthony I have full 2 1/2 pages of comments from Mark.

MR. COPPOLA: I just got them in my hands.

MR. ARGENIO: You have not seen them prior?

MR. COPPOLA: No, I did not.

MR. ARGENIO: Would you try to get those comments before this discussion next time? I think I'm going to call a lot of these things clean-up items but they're really not, they're a little bit more than that, a lot of them are pertinent, I'll read one for instance, in reviewing the plans it is noted that the dimensions from the face of the existing building to the corner of the existing curb radius on the southerly side of the south curb cut off 32, that's Route 32, scales approximately 42 feet on this plan. The prior plan

indicated 53 feet. Now, I'm not going to go through these one at a time and ask for an explanation unless somebody feels that's incredibly relevant but the plan that has to be consistent either Plan A was wrong or Plan B was wrong.

MR. COPPOLA: No, this plan is correct, he had a, there was an issue last time because the scale was miss-marked but that was in December, I'm not sure, I can see that's correct right there, I'm not sure what the issue is, I'm not sure where we didn't look at this at the work session.

MR. ARGENIO: Plan depicts what appears to be the fence approximately 22 feet off the rear parking space, a separate dimension line calls out the offset 26 foot 3 inches, what's the deal with that? That's 4 1/2 feet almost.

MR. COPPOLA: I don't have a scale with me, I'll check it.

MR. ARGENIO: I don't want to get into the minutia but I do want you to go through Mark's comments. Let me ask you this, I can't ask you because you didn't have the benefit of the comments. Well, too bad for you.

MR. COPPOLA: Well, no, what are you asking?

MR. ARGENIO: Page 2 there's a statement Dominic and Mark drafted or maybe Mark, you need to keep that in there that's for the maintenance of the pump station, it's a Department of Health issue. So that note is going to have to be added here.

MR. CORDISCO: In addition, Mr. Chairman, to be honest what I would prefer is not only would it be a note on the plan but that there would be an easement to the town as well.

MR. ARGENIO: I said exactly that to Mark Edsall, Dominic, four days ago about this thing and I think you're right.

MR. CORDISCO: I mean in order for it to be of record site plans are not filed in the County Clerk's Office so someone else coming along and purchasing this would not be on notice.

MR. ARGENIO: Would you take care of that, Anthony?

MR. COPPOLA: Well, problem is I'm not sure.

MR. VAN LEEUWEN: You have to get the railroad to deal with it, it's on railroad property.

MR. COPPOLA: I don't know where this goes, hopefully it doesn't cut under my building which could be a major problem.

MR. ARGENIO: I think we're talking about the pumping unit, not the pipe.

MR. CORDISCO: What I understood there's a manhole that's shown here with a pump station and I was under the impression that the pump station was going underneath the manhole.

MR. COPPOLA: All that's existing.

MR. ARGENIO: An easement.

MR. COPPOLA: Not the pipe you're saying?

MR. ARGENIO: No, the manhole for the ability in case.

MR. CORDISCO: To access the pump station.

MR. ARGENIO: A future owner of the property is in default, they walk away, we need to get in there to do

something for the benefit of the public health, we need to do it.

MR. CORDISCO: Yes.

MR. ARGENIO: What Mark said to me was is if it's health, safety and welfare we can certainly get in there, that's what he said to me.

MR. DENEGA: Just like the building inspector has the right.

MR. ARGENIO: That's right.

MR. VAN LEEUWEN: Proposed building, what's that going to be made out of?

MR. COPPOLA: Well, it will be wood frame but stucco exterior.

MR. ARGENIO: Similar to Jerry's Storage, Anthony, right behind us here?

MR. COPPOLA: Yes, same material.

MR. ARGENIO: Item number 5 is the referral to the County Department of Planning, Mark says he's not aware of a response but we just recently did receive a response and they don't have a big interest in this essentially local determination. Anthony, I want to read the following to you. This is kind of important. Municipal fire, the fire lane width is insufficient, fire board variance would be required for this building.

MR. COPPOLA: Well, I mean, there's no way I'm going to comply with 30 feet.

MR. ARGENIO: Don't tell me, tell the firemen. What do you want from me?

MR. COPPOLA: I know but it's just impossible, that's why that dimension is there actually.

MR. ARGENIO: Anthony, look, listen to me, I think the flavor, I don't want to speak for you guys, your thoughts, go ahead.

MR. SCHLESINGER: I'm somewhat very familiar with the business, not the business but the location, it's a rough location there.

MR. ARGENIO: Currently.

MR. SCHLESINGER: Currently it's rough in the sense that the parking is rough the way to get in and out is rough.

MR. ARGENIO: Rough geometry.

MR. SCHLESINGER: Yes, you have on the lower left-hand corner of the building you see a utility line, okay, right where your finger is, a little bit to the left I believe this is a utility pole if I'm not mistaken, that pole my suggestion is it's got to be moved, okay, because it just ties up that whole area right there. I don't have suggestions, I can only comment that when I guess it needs a little bit more accuracy, you're 30 feet, you're not going to be able to do it but I think that things are going to have to be moved because sometimes things look good on paper but in actuality it's a little rough.

MR. ARGENIO: Let me interrupt you before you speak so, Neil, your suggestion is not necessarily black and white removal of the pole but somehow possibly incorporating the pole location to maybe an island or something so we don't have to have the pole as the hazard in the middle of a parking lot?

MR. SCHLESINGER: Yeah, you can't do away with the pole.

MR. COPPOLA: We can do that because there's landscaping right in front of there.

MR. SCHLESINGER: I think that's going to help the flow of the cars in that parking area, I go there I find myself backing up out into traffic which I don't like doing.

MR. BROWN: It's a tough lot.

MR. ARGENIO: Maybe that island would have--

MR. SCHLESINGER: I'd like to see the shoe shined a little bit. It's a great business, I love the idea and I'd love to see him doing this and everything but I'd like to put a nice pair a shoes on with a good suit.

MR. BROWN: Agree.

MR. COPPOLA: I mean in all honesty it's just a really an awkward lot and like Jerry said DOT completely randomly--

MR. SCHLESINGER: It killed you.

MR. COPPOLA: I've got to live with where that is. Let me ask a question, I'm not proposing work in the right-of-way so I shouldn't have to go to them.

MR. ARGENIO: Well, I think you're probably right there. Where I was going to take that, Anthony, quite frankly and I'm not here to as I said I think anything you do to this building is an improvement and you guys are doing a great job here and I'm a neighbor but you know what would be great would be to petition DOT to allow this applicant to clean up the mess that DOT made but that would be a pretty crummy deal for the

applicant and if they don't want to do that I don't think it's our place to compel them to do that.

MR. COPPOLA: I mean I'll have to go to the fire board to get the variance because--

MR. ARGENIO: Yes, you will.

MR. COPPOLA: Do I need a referral from this board?

MR. ARGENIO: No, you don't.

MR. COPPOLA: Just lie to them, okay.

MR. VAN LEEUWEN: What Neil brought out exactly that pole is I'd like to see the pole moved myself but that's almost an impossibility.

MR. ARGENIO: That's quite an expense to impose on, what I know to be a small business owner in this town and to prevent them from improving something that's as Anthony pointed out is in a bit of a shambles right now but Neil, I agree with the thought, I think it's a great point. Yeah, Anthony, you have to go there, I hope the sense you're getting from this board is that we'd like to see this thing work because they run a good business there, they're nice people, I know them, very nice people and I'd like to see it work but you need to get your plans cleaned up, you need to go see the fire people, go see the fire people, tell them the flavor of this board, they know how to find me, all those, Bedetti, all of them have my cell number. They'll call me if they need to hear from me. I'd like to see this thing go but they have to make it so it complies with the law. Dominic and Erik, do you guys have any thoughts?

MR. DENEGA: I know you had a question about the DOT referral, that pole if it's the one I think you're referring to is in the DOT right-of-way so that may be

one reason to--

MR. ARGENIO: How is it in the DOT right-of-way?

MR. DENEGA: I'm not sure if it's the same pole that you're referring to.

MR. ARGENIO: It is in the right-of-way.

MR. DENEGA: If he's going to do any work he may need to talk to the DOT anyway.

MR. ARGENIO: You see what he's saying, what Erik is saying if you do do this landscaping you might have to go to DOT and I don't want you to do that.

MR. COPPOLA: No, we'll come up with a solution for that.

MR. ARGENIO: See what kind of a dance you can do there.

MR. COPPOLA: Yeah, I mean, we're going to avoid going to DOT.

MR. ARGENIO: It's certainly not our intent to complicate this thing for anybody's sake you have enough challenges here. Let me hit a couple things here. We circulated on this, is that right, are we in a position to take lead agency?

MR. CORDISCO: You haven't yet and that would be one of the items to consider tonight and whether or not you want to hold a public hearing.

MR. VAN LEEUWEN: So moved.

MR. ARGENIO: Circulate for lead agency.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that we circulate for lead agency under the SEQRA process. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Let me just throw this out there again because I'm the neighbor down there, we're ostensibly the people from across the tracks as they say the other side of the tracks.

MR. VAN LEEUWEN: The bad side.

MR. ARGENIO: The railroad is directly to the east, Argenio Brothers is directly on the other side of the railroad, Devitt's medical facility is to the south, I don't think there's anything to the north but vacant woods and across the street is a single lot with the town's pump station there. I want to go around the room and get people's thoughts on the necessity of a public hearing for this improvement on this property.

MR. COPPOLA: We had the public hearing at the zoning board, I don't think anybody came.

MR. ARGENIO: You don't think or you know?

MR. COPPOLA: Nobody came that I remember.

MR. ARGENIO: What do you have from--

MR. SCHLESINGER: No public hearing.

MR. BROWN: No.

MR. GALLAGHER: No.

MR. ARGENIO: I will accept a motion.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board waive the public hearing on the Screen Gems site plan. I'll have a roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. CORDISCO: At this point, Mr. Chairman, that's about the only action that you can take.

MR. ARGENIO: I agree, I think you're right, Dominic.

MR. CORDISCO: Circulating for lead agency you can't take any further action under SEQRA.

MR. ARGENIO: I'd love to see this, this has just been an eyesore for as long as I can remember, I'd love to see him do it but they have to do it in accordance with the law and in accordance with the directions of this board. See what you can do.

MR. COPPOLA: I'm sure we can resolve those things.

MR. ARGENIO: Thank you, Anthony.

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RPA_-_PATRIOT_BLUFF_(01-65)

MR. ARGENIO: Patriot Bluff, the last item on tonight's agendas is Patriot Bluff Condominium site plan on the lands of RPA Associates. This application involves development of 175 unit multi-family condo site plan on the westerly portion of the RPA property. The plan was previously reviewed at the 12 December, 2001, 22 May, 2002, 10 March, 2004, 9 May, 2007, 27 June, 2007 and 8 August, 2007 planning board meetings. If Jimmy Petro was here you know what he'd say, who says we move too fast. I see Mr. Shaw here to represent this. I want to just speak on this for a moment before we do this. Just to refresh everybody's memory that's that property in the back and I will say to the south of the existing condos. We had made the suggestion that is the town, I spoke to the Supervisor about it and we have a suggestion to try to give us a right-of-way to get to the lands in the back so some day this board God willing or maybe the next board or maybe the board after that can get a road approved and back to 300 to help begin our efforts in making over the past few years to get a loop around Five Corners so and that has been done, that thing has been done. Now the applicant has been mute for a bit, I don't know why, I don't know that I care, quite frankly. The market's been a little soft but he's back here tonight. I want Greg first of all I'd like you to tell two things Greg before you go into your bit, tell the members what you're looking for tonight and then please tell us any changes or evolutions that you have to share with us tonight. Greg, go ahead.

MR. SHAW: Well, to answer the first part what I'm here tonight for is exactly what I have just done, distribute the documents for your review. In working with your planning board engineer and your attorney, it was thought best to come before the board tonight to bring the documents with us to distribute it to the board, answer any questions you may have and then at

the subsequent meeting when we return at that point we'd be in a position to give a complete presentation and that would also give the board an opportunity to review the documents and to formulate any questions you may have. So really tonight is just distribution of the documents and answer any questions that you may have, okay. With respect to Part B, there really are no changes to the drawings which were before this board the last time, the unit count was 178 units, it's still 178 units. There was two issues that we discussed as we reviewed the initial drawings, one was whether the PUD is in effect and I believe a letter was produced from the Supervisor and given to this board stating that the PUD is still in effect. And two, an issue was with respect to the number of units on this parcel with respect to the number of units that were on these lands with the issuance of this special permit for the PUD and corresponded back to demonstrate to the board that the number of units that we're requesting is consistent with that which was on the drawings for the PUD back in 1991, 1992, so there's really no changes, as you said, we're going, the present cul-de-sac, Epiphany Drive in this area we'll be extending it to the west into the major portion of the site, Epiphany Drive and its extension will be a town road, it will terminate in the cul-de-sac in this area with this triangle reserved for the future extension of Epiphany Drive, hopefully some day out to New York State Route 300. And with that, we have two development sections, this section which is to the east will consist of 98 units and this area will consist of 80 units.

MR. ARGENIO: What you did change, Greg, there was lot of talk a while back about whether these units should lay on their own lot or whether there should be an association and you did change it so they do set on their own lot?

MR. SHAW: What we have done and the gentleman that prepared this document can explain a little bit better

but in the SEIS there was a comparison with respect to taxes that the town would receive whether it's treated as a condo or whether it's treated as 178 lots, okay, and with that proposal we have submitted a subdivision application to deal with that technicality with the, with Myra and also what I brought with me tonight are the subdivision plans, all right, so the ball is really in the Planning Board's court with respect to whether or not they'll allow a subdivision on this property, whether they'd like to treat it as a condominium and again that cost comparison is in the documents that were presented before you tonight.

MR. ARGENIO: Can you share with us briefly the sum and substance of the cost comparison?

MR. SHAW: No, I can't because I did not prepare that document.

MR. ARGENIO: Danny, did you prepare it? Do you want to speak briefly? Give your name please.

MR. SIMMONE: Dan Simmone with RPA Associates. What it boils down to is under a condo association units are assessed based upon rental value of the units, that assessment comes out roughly about half of what the assessment would be if a unit was assessed under a sale scenario.

MR. ARGENIO: Which means what for us laymen--

MR. SIMMONE: Which means--

MR. ARGENIO: --who are not attorneys or engineers?

MR. SIMMONE: The net surplus in tax revenue for the school district under the condo association was about 230,000, under the home ownership association it's about 500,000 so it's--

MR. ARGENIO: Guys, catching that?

MR. SIMMONE: --it's really twice the assessment.

MR. VAN LEEUWEN: That's why we suggested that they own the lots, right?

MR. SIMMONE: Correct.

MR. ARGENIO: That's perfect.

MR. SHAW: I may add because this is a PUD there are no zoning restrictions, it's really what this board feels is appropriate so there really are no bulk requirements that we have to adhere to because again we have postage stamp lots and it's up to this board to decide whether or not that's appropriate.

MR. VAN LEEUWEN: Prior to this it was single-family houses, am I correct?

MR. SHAW: The previous presentation to this board was condominiums in this area and I don't remember the number but approximately 90 and 28 single family homes in this area.

MR. VAN LEEUWEN: Twenty-eight and 90?

MR. SHAW: Correct and the 90 in this area has pretty much remained the same and this has been reconfigured instead of single family detached homes to attached homes.

MR. VAN LEEUWEN: That's how many more units than it was previously approved?

MR. SHAW: Well, I think--

MR. VAN LEEUWEN: About another 50?

MR. SHAW: Approximately 80 minus 28, about 52 units, now this board has seen this plan before and this plan granted conceptual approval on this plan.

MR. CORDISCO: If I could add?

MR. ARGENIO: Yes, I want a couple, talk about a couple things, go ahead, Dominic.

MR. CORDISCO: What controls here is the PUD approval and the PUD approval was for an overall number of dwelling units and in the course of the prior, prior to that they talked about the single family residences and that's a departure from that plan but there was a previous determination made by the board I think about a year, year and a half ago where that this revised and in terms of the concept was deemed to be within the prior PUD approval, the PUD approval doesn't expire so as long as they are within their numbers they can proceed with this as an alternative layout.

MR. ARGENIO: Greg, what's the, if I remember there's a letter that's somewhere in Town Hall, how many units are you approved to put here under the PUD?

MR. SHAW: I did that mathematical analysis and again I don't have it with me but if I had to guess I think we're under that number by maybe 5 units something to that effect but we're under it.

MR. ARGENIO: I'd like to know what that is, I seem to remember it being more than that but I could be thinking of a different rendition of the plan.

MR. SHAW: I can produce the letter.

MR. CORDISCO: That's my understanding as well is that you were underneath the amount that you could build.

MR. ARGENIO: I thought he was underneath more than

that but I could be confusing this plan with another previous version.

MR. SHAW: Another thing I'd like to bring out independent of the units and we can get back to that if you want, there's a tremendous amount of infrastructure that's going with this project, there are inflow and infiltration and outflow problems with the New Windsor sewer system, especially to the east of the site running through the Lander property and we were directed to take our sewer line and then instead of having it flow to the shortest point down to Windsor Highway to reroute it and send it out to Route 300, as we're doing that also pick up the waste water from Park Hill which flows through that construction and put that in our line. And when we get out to 300 pick up two other lines that are on 300 and again rather than having that flow through Continental Manor through the construction put it in a 30 inch pipe which is on the westerly side of Temple Hill Road and 300. So with this comes lots of off-site sewer mains getting out to 300, it's a substantial distance but there's a definite benefit, the benefit and maybe you saw it in today's paper that New Windsor was under a fine order by the DEC for infiltration inflow and surcharge of manholes, I have no idea if it's a Lander piece or not, what this is going to do is take a problem area and eliminate the majority of the flow that's flowing through that construction with surcharges and bringing it all to the west.

MR. VAN LEEUWEN: I know what the story is, I just think 52 units more is a lot of units but that's for another time.

MR. ARGENIO: Guys?

MR. SCHLESINGER: Greg, condos on the bottom half?

MR. SHAW: It's up to you here, all these are either

going to be condos or they're going to be attached homes on lots.

MR. SCHLESINGER: Okay, cause you used two different terminologies on each side of the drive so--

MR. SHAW: Let's back up two years ago, okay, prior to this plan what it consisted of was condos on this side and 28 single family homes on this side, those 28 homes that drawing has been superseded by this plan which is either going to be all condos or all lots, attached lots.

MR. CORDISCO: Yeah, I should add an important clarification here that under either scenario whether it's condos or a subdivision there would be an association that would oversee the management of the property, it would either be condo board or homeowner association.

MR. ARGENIO: Dominic, would you speak for the benefit of the members about these piles that are up around and about up here on the dais?

MR. CORDISCO: This project has been previously deemed to be required by the board a Draft Supplemental Environmental Impact Statement.

MR. ARGENIO: Because of the time factor, if you remember, Neil, I'm quite sure you were here.

MR. CORDISCO: A Supplemental is supposed to update the environmental studies, the environmental studies that have previously been done to some extent they need to be updated, conditions may have changed, traffic in particular, fiscal impacts may have changed, they have undertaken a draft of that update and they have delivered it tonight, SEQRA has timeframes that kick in when a draft has been delivered and the board has 45 days to review this and get back to the applicant with

any comments. All that's being done tonight is a delivery of this document so it really just starts the review.

MR. ARGENIO: So 45 days we have to deem it complete or incomplete and if it's incomplete here's why it's incomplete?

MR. CORDISCO: That's exactly right.

MR. ARGENIO: Certainly Neil read it, there will be a quiz on it at sometime in the near future.

MR. SHAW: I would like to add to that that before these documents were prepared a scope of this document was prepared and submitted to the board and its consultants and this board and your consultants decided that the subject matter that was in the scope should be incorporated into the document, so the information that's in there is the information that you have been looking for.

MR. ARGENIO: Correct.

MR. SHAW: So we just didn't pick information out of the sky and just incorporate it into the SEIS.

MR. ARGENIO: I guess the main reason for them here tonight is just what we just touched on is the delivery of the scoping document.

MR. SHAW: The SEIS.

MR. ARGENIO: SEIS for us to determine if it's complete and that's the main purpose here and I guess the applicant's revising or revitalizing the project.

MR. VAN LEEUWEN: For the next go-around.

MR. ARGENIO: For the next cycle in the real estate

market. This plan is kind of a global plan for a site plan, more a subdivision plan than a site plan and we'll certainly as this thing moves forward get the opportunity to review site plan at which time Neil you'll have the opportunity to look at the dumpster housing locations and Danny you'll have an opportunity to talk about flag poles and we'll talk about associations or non-associations and sprinkler systems or not, probably not unless you're going to sink your own well and all those details that we typically get into. So there are no actions here tonight, Greg, do you have anything else?

MR. SHAW: No, the only thing as we're looking down the road at some point in time as we go through this document you're going to want to have a public hearing on it, we have been working on the engineering drawings and when the time is appropriate it would make sense to have a public hearing not only on the SEIS but also on the engineering drawings itself, there's no reason to have two public hearings when you can combine them into one. But that's looking down the road, I don't know, 8, 12 weeks possibly more, who knows, could be even more but we'll be in a position of having to have engineering drawings complete and available for inspection for that combined public hearing.

MR. ARGENIO: Okay, guys, got anything else? Thank you, Mr. Shaw.

MR. SHAW: Thank you.

MR. CORDISCO: The document now is for internal review for the Planning Board's review. Once it's deemed complete it will be then sent to all our other involved and interested agencies and also be made available on line because the SEQRA requires that documents be available on line.

MR. ARGENIO: Thank you.

DISCUSSION

MR. CORDISCO: I have one other item not on this topic. Late this afternoon we got an e-mail from Michael Blythe who wanted to give a heads-up regarding a conference and it's a free conference, it's a one day seminar being offered by DEC, it's on October 3 and it's at Newburgh Free Library and it's about better site design workshops. Michael was right to remind the board that New York State in its infinite wisdom adopted requirements that board members get four hours of continuing education credits every year but then at the same time didn't provide any funding for that and then also they provided a relief valve that says well, only if the Town Board tells you to. And the Town Board can waive that requirement. The benefit of this program is that it's a one day program and you get four hours of credit and it's free so--

MR. ARGENIO: Dominic, thank you very much for sharing with us that thing at the library. I would encourage everybody to go because as he said it's not mandatory but the Town Board can tell us one day that you don't have your training so get off, so it would be good to do it. And quite frankly, I think it's a good thing to be up on things to be honest with you so I encourage everybody to attend that. Erik, anything else?

MR. DENEGA: No. the Orange County Municipal Planning Federation is also having an annual dinner at the end of the month, I don't recall the date, they do have a guest speaker but you're not getting to get credits for it.

MALONEY_-_DISCUSSION

MR. SCHLESINGER: First applicant subdivision, why did they go to the ZBA?

MR. ARGENIO: What variance did the first applicant go

to the ZBA for the Maloney subdivision?

MR. CORDISCO: Gross lot area.

MR. SCHLESINGER: Okay.

MR. ARGENIO: Because I think that that--

MR. VAN LEEUWEN: It's a little over one acre.

MR. SCHLESINGER: Little over one acre each lot?

MR. VAN LEEUWEN: Yes.

MR. SCHLESINGER: Little over one acre and they need almost two?

MR. VAN LEEUWEN: They need two, period.

MR. ARGENIO: They need 80,000 feet but I think that we came up with a nice--

MR. SCHLESINGER: I think you did a good job.

MR. ARGENIO: Thank you for the compliment, I think that was a nice middle of the road solution on that, that fella was a very smart guy and he was right in some of the things he said.

MR. CORDISCO: It's a difficult scenario because the zoning board really is set up to do that kind of balancing.

MR. ARGENIO: They put us in a tough spot.

MR. CORDISCO: You're supposed to be looking at the average design guidelines, not necessarily measuring between two neighbors but it was your, you were able to accomplish it here and you had an applicant who was willing to work with you as well.

MR. BROWN: Nothing.

MR. GALLAGHER: No.

MR. VAN LEEUWEN: The only reason I got involved cause I was going out to the men's room and he stopped me in the hallway.

MR. SCHLESINGER: Who's he?

MR. ARGENIO: Mr. Moore.

MR. VAN LEEUWEN: And he asked me and he said I was in Ireland, my father was not well, I had the, he says I was in Ireland at the time, I didn't get the letter till later and I said well, let me see what I can do. In the meantime, I stopped by his place one day because the way they first portrayed it that it was a mess and it's not a mess, the guy's working on it, okay, and there's stuff sitting outside like sheetrock and so forth.

MR. ARGENIO: It's going to look a bit disheveled when you're working on it so no, it's all good and quite frankly, Henry's the one who brought it up originally and I think it's good. Motion to adjourn?

MR. SCHLESINGER: So moved.

MR. BROWN: Second it.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE

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MR. ARGENIO

AYE

Respectfully Submitted By:

Frances Roth
St

